

PETER M. ANGULO, ESQ.
JOSEPH R. SMITH, ESQ.
ANGULO LAW GROUP, LLC
5545 Mountain Vista St., Ste. F
Las Vegas, Nevada 89120
Tel: (702) 384-8000
Fax: (702) 384-8200
jrs@angulolawgroup.com
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GARY PENA,)	Case No. 2:21-CV-02216- RFB-BNW
)	
Plaintiff,)	
)	
vs.)	
)	
LOYA INSURANCE COMPANY;)	
DOES I-X; and ROE)	
CORPORATIONS XI-XX;)	
)	
Defendant(s))	
)	

DISCOVERY PLAN AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH LR 26-1(e)

1. Meeting. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(d), a meeting was not held between counsel for the parties. On April 2, 2024, Plaintiff's counsel emailed defense counsel requesting availability to hold the Rule 26(f) conference. No response was received. Plaintiff's counsel further emailed defense counsel requesting to meet and confer on scheduling on April 12, 2024, and April 24, 2024, as well as calling defense counsel's office on April 5, 2024; April 12, 2024, and April 19, 2024. Because defense counsel has not responded to any attempts at communication from Plaintiff's counsel to hold the conference, Plaintiff's counsel submits this plan unilaterally in response to the Court's order to show cause in ECF No. 22.

2. Pre-Discovery Disclosures. Pursuant to Fed. R. Civ. P. Rule 26(a)(1), Plaintiff has served their initial disclosures, including any Computation(s) of Damages required pursuant to Fed. R. Civ. P.

26(a)(i)(A)(iii).

3. Areas of Discovery. Plaintiff asserts that the areas of discovery should include all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. Discovery Cut-Off Date. The last day to conduct discovery, which is one hundred eighty (180) days measured from February 22, 2024, which is the date the Court directed the parties to resubmit briefing on Removal, shall be Thursday, August 20, 2024.

5. Amending the Pleadings and Adding Parties. The last day to file any motion(s) to amend pleadings or to add parties, which is ninety (90) days before the discovery cut-off deadline, shall be Wednesday, May 22, 2024.

6. FRCP 26(A)(2) Disclosures (Experts).

a. The last day to disclose initial expert witnesses, which is sixty (60) days before the discovery cut-off deadline, shall be Friday, June 21, 2024.

b. The last day to disclose rebuttal expert witnesses, which is thirty (30) days after the deadline to disclose initial expert witnesses, shall be Monday, July 22, 2024.¹

7. Dispositive Motions. The last day to file any dispositive motions, which is thirty (30) days after the discovery cut-off deadline, shall be Thursday, September 19, 2024.

8. Pre-Trial Order. The Joint Pretrial Order shall be filed by Monday, October 21, 2024,² which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This deadline is suspended if dispositive motions are timely filed.

9. Fed. R. Civ. P. 26(a)(3) Disclosures. Unless the discovery plan otherwise provided and the Court so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall

¹ This deadline falls on Sunday, July 21, 2024. As a result, this deadline extends to the next court day of Monday, July 22, 2024, by operation of FRCP 6.

² This deadline falls on Saturday, October 19, 2024. As a result, this deadline extends to the next court day of Monday, October 21, 2024, by operation of FRCP 6.

1 be included in the pretrial order.

2 10. Extensions or Modifications of the Discovery Plan and Scheduling Order. LR 26-3
3 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or
4 motion to extend a deadline set forth in the Discovery Plan and Scheduling Order must be made not later
5 than 21 days before the subject deadline. Any stipulation or motion to extend the discovery cut-off
6 deadline must be made no later than Tuesday, July 30, 2024.
7

8 11. Court Conferences. If the Court has questions regarding the dates proposed by the parties,
9 Plaintiff requests a conference with the Court before entry of the Scheduling Order. If the Court does not
10 have questions, Plaintiff not request a conference with the Court.

11 12. Format of Discovery. Pursuant to the electronic discovery amendments to the Federal
12 Rules of Civil Procedure effective December 1, 2006, Plaintiff has attempted to address the e-discovery
13 issues pertaining to the format of discovery at the Rule 26(f) conference. Plaintiff does not anticipate
14 discovery of native files or metadata at this time, but each party reserves the right to make a showing for
15 the need of such electronic data as discovery progresses.
16

17 13. Alternative Dispute Resolution. Plaintiff certifies that they have met and conferred about
18 the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if
19 applicable, early neutral evaluation.
20

21 14. Alternative Forms of Case Disposition. Plaintiff certifies to have considered consent to
22 trial by a magistrate judge under 28 U.S.C. §636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial
23 Program (General Order 2013-01).

24 ///

25 ///

26 ///

27 ///

